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Town of Concord

APP # 9
Employee Conduct - Conflict of Interest

The Policy of the Town of Concord is for all employees to strictly adhere to the Massachusetts Conflict of Interest Law. This legislation (Chapter 268A, General Laws) prohibits not only direct and obvious conflicts, but also situations where there is the appearance of divided loyalty, or where the independent judgment of the Town official might be impaired in the exercise of his or her official duties.

The judgment of when a conflict exists is a difficult one, and should be made jointly by the employee and the employee's department head, subject to review by the Town Manager. In addition, there is a procedure in Chapter 268A for requesting an opinion from counsel, which is publicly available. Employees are encouraged to seek guidance from the State Ethics Commission, Legal Division when any question of conflict of interest arises.

The following activities represent examples of appearance of a conflict of interest.

1. A Town employee representing a private party before a Town board or committee or department.
2. A member of the Engineering Department performing engineering or surveying work within the Town, where the work will subsequently result in a project before a Town board, committee or department.
3. An employee of the Health or Inspections Departments performing any work that he or she will later be responsible for inspecting. Also, an employee of this department performing any private building inspections in Town.
4. The Town Planner performing private planning consulting work within the Town of Concord, which will result in a project before a Town Board, Committee or Department.
5. The Assessor performing any appraisals in Concord other than those for the Town of Concord itself.

6. The Town Accountant performing any accounting work for a firm with which the Town does business.
7. A department head serving as an owner or having a financial interest in any corporation which enters into a contract or does business with the Town.
8. An employee of the Fire Department installing alarm systems that he or she will later be responsible for inspecting.
9. Employees supervising family members or otherwise having an effect on their employment status. Additional guidance may be required in this area on a case by case basis.

This policy is intended to keep all employees fully aware of our responsibility to guard against any appearance of a conflict of interest, and to maintain the high public regard for Town officials. Department heads must ensure that their employees are aware of this policy as it pertains to the Conflict of Interest Law, and of the Town's high standards of conduct for its public employees.

Distribution: Department Heads